

ORIGINAL

FILED

JUN 13 2023

Clerk, U.S. District Court  
Eastern District of Texas

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:20CR179
	§	Judge Jordan
JOSE LUIS HERNANDEZ (36)	§	

**FACTUAL BASIS**

The defendant, **Jose Luis Hernandez**, hereby stipulates and agrees that at all times relevant to the **Second Superseding Indictment** herein, the following facts were true:

1. That the defendant, **Jose Luis Hernandez**, who is changing his plea to guilty, is the same person charged in the **Second Superseding Indictment**.
2. That **Jose Luis Hernandez** and one or more persons in some way or manner made an agreement to commit the crime charged in the **Second Superseding Indictment**, to possess with the intent to manufacture and distribute over 5 kilograms of a mixture or substance containing a detectable amount of cocaine and over 1,000 kilograms of a mixture or substance containing a detectable amount of marijuana.
3. That **Jose Luis Hernandez** knew the unlawful purpose of the agreement and joined in it with the intent to further it.
4. That **Jose Luis Hernandez** knew that the amount involved during the term of the conspiracy involved over 5 kilograms of a mixture or substance containing a

detectable amount of cocaine and over 1,000 kilograms of a mixture or substance containing a detectable amount of marijuana.

5. This amount was involved in the conspiracy after the defendant entered the conspiracy, was reasonably foreseeable to the defendant and was part of jointly undertaken activity.

**DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT**

I have read this Factual Basis and the **Second Superseding Indictment** and have discussed them with my attorney. I fully understand the contents of this Factual Basis and agree without reservation that it accurately describes the events and my acts.


Dated: 6-10-23

  
JOSE LUIS HERNANDEZ  
Defendant

**COUNSEL FOR DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT**

I have read this Factual Basis and the **Second Superseding Indictment** and have reviewed them with my client. Based upon my discussions with the defendant, I am satisfied that the defendant understands the Factual Basis and the **Second Superseding Indictment**.

Dated: 6-10-23

  
MARTIN LeNOIR  
Attorney for the Defendant